

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

MICHAEL HOBBS,)
)
Petitioner)
)
vs.) No. CIV-08-260-C
)
WARDEN PROVINCE,)
)
Respondent)

ORDER

In this action for habeas corpus relief, filed by a state prisoner appearing pro se, Judge Bacharach recommended denial of the request to proceed in forma pauperis, noting the availability of funds for that purpose. Subsequently, Petitioner paid the \$5.00 filing fee, which prompted Judge Bacharach to enter an order vacating his previous Report and Recommendation and recommending denial of the request for leave to proceed in forma pauperis on grounds of mootness. Petitioner has now objected to the second Report and Recommendation, arguing that he is entitled to relief and a hearing should be conducted.

Petitioner apparently misconstrues Judge Bacharach's Report and Recommendation as one going to the merits of his claim. To the contrary, the Report and Recommendation of April 1, 2008, simply vacates the previous Report and Recommendation recommending denial of in forma pauperis status, and instead recommends dismissal of that request as moot. That Report and Recommendation is adopted, the request for leave to proceed in forma

pauperis is stricken as moot, and this matter remains committed to Judge Bacharach under the original Order of Referral.

IT IS SO ORDERED this 14th day of April, 2008.



ROBIN J. CAUTHRON
United States District Judge